

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BOBBIE ANDERSON and CHERYL)
DIETRICH NOSKA,)

Plaintiffs,)

vs.)

Case No. 4:07CV665 HEA

RELIASTAR LIFE INSURANCE)
COMPANY,)

Defendant.)

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiffs' Motion to Remand, [Doc. # 7], Defendant opposes the motion. For the reasons set forth below, the Motion to Remand is denied without prejudice to refiling.

Defendant removed this matter from the Circuit Court for the City of St. Louis based on the Court's diversity of citizenship jurisdiction. 28 U.S.C. § 1332. Defendant's removal was premised on Plaintiffs' request for insurance benefits, statutory damages, statutory attorney's fees and statutory interest, which, when totaled, could exceed \$75,000.

Plaintiffs now seek remand because they contend that their damages do not exceed \$75,000.00, the jurisdictional amount in controversy requirement of Section 1332. Plaintiffs have not indicated the exact amount that they seek to recover from

Defendant, but in the prayer for relief, they state that they seek in excess of \$25,000, but less than \$75,000. Defendant argues that even though Plaintiffs state that they are *seeking* less than the statutory amount, the total could result in a recovery in excess of \$75,000. The Court agrees that at this point. Plaintiffs' allegations are too vague and uncertain for the Court and defendant to ascertain whether plaintiff is in fact binding herself to an amount below this Court's jurisdictional threshold. As plaintiffs have not entered into a binding stipulation that the amount in controversy does not and will not exceed this Court's jurisdictional amount in controversy, the Court is of the opinion that jurisdiction exists over this controversy. Plaintiff's allegations as to the amount in controversy, do not firmly establish that the amount is not in excess of \$75,000.00. As such, defendant properly removed this matter.

Accordingly, if Plaintiffs wish to file an irrevocable certification, binding them in this and any other court, that they will not seek nor accept an amount greater than \$75,000.00, the Court will entertain a renewed motion to remand. Until such time as an irrevocable certification is filed, this Court has diversity jurisdiction over this matter.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' Motion to Remand, [Doc. # 7],

is denied.

Dated this 21st day of June, 2007.

A handwritten signature in black ink, reading "Henry Edward Autrey". The signature is written in a cursive style with a long horizontal flourish extending to the right.

HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE